

**REMARKS**

Claims 1-20 are pending in the subject application with entry of this paper.

Claims 1-20 stand rejected.

**Rejection under 35 U.S.C. § 102(b)**

The Office improperly rejected Claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. Pub. No. 2002/0072329 to Bandeira. It appears that the rejection is premised upon a misunderstanding of what Bandeira fairly discloses or upon a mischaracterization of the claimed subject matter. Applicant submits that Bandeira fails to disclose each and every element of Claims 1-20 and respectfully requests reconsideration and withdrawal of the rejection thereof.

1. Background

Independent Claims 1, 6 and 15 are generally directed to a system and methods of determining whether a signal, received at a receiver, passed through a repeater or was received directly from a mobile appliance as a function of attributes of the signal. As discussed in the instant application at paragraphs [0026]-[0028], the claimed subject matter may provide an augmentation to a network to assist in determining which mobile appliances served by a network are operating through the repeater. The augmentation may scan reverse link channels in the system where a mobile appliance would transmit and measure energy and/or signal characteristics. These measurements may then be used to determine whether the mobile appliance is operating in the proximity of a repeater and/or whether a received signal has passed through a repeater or was received directly from the mobile appliance.

2. Bandiera's inapplicability to the claimed subject matter

Contrary to the claimed subject matter, the central focus of Bandiera's disclosure is attributed to establishing a "self-synchronizing polling scheme" (*see* para [0055]) among slave and master nodes (radio transceivers) in a communication system to reduce collisions among these nodes. *See* para [0014]. Bandiera fails to disclose or suggest at least determining whether signals are served by a repeater as a function of measured attributes of the signal (Claims 1 and 6) or determining the proximity of a mobile appliance to a repeater as a function of measured attributes and determining which reverse channel signals are served by repeater based at least in part by the proximity of the mobile appliance to the repeater (Claim 15).

Indeed, the nodes or repeaters in Bandiera are the typical blind repeaters described in Applicant's background section at paragraphs [0008] – [0009]. There simply is no disclosure or suggestion in Bandiera of measuring received signal information and determining whether the signal was operated on by a repeater or received directly from a mobile appliance as a function of measured attributes of the signal.

Rather, Bandiera discloses a collision-avoidance polling scheme employing time diversity. For example, a parent transceiver acts as a master node and its one-hop (neighboring) transceivers act as slave nodes. These slave nodes may also act as master nodes to additional slave nodes thereby creating a relationship "tree". *See* Figs. 2-4 and para [0050]. Each master node goes through a polling cycle in which the master node polls downstream receivers (each only one hop away). Figure 4 in Bandiera best depicts this time diversity polling scheme disclosed whereby a master node (1) polls one-hop

slave nodes (2, 6, 3, 4) and these slave nodes poll their respective one-hop slave nodes (5, 9) and (10, 11, 12) and (7, 8). *See* Fig. 4 and para [0059]-[0061].

Bandiera, however, is utterly silent regarding the determination of whether a signal has passed through a repeater as a function of measured attributes of the signal and the mere disclosure of a repeater or series of repeaters in Bandiera is simply insufficient to support an anticipation rejection of the claimed subject matter.

3. Bandiera's disclosure of SNR

The Office also appears to improperly rely upon Bandiera's disclosure of a master node's measurement of signal strength in its anticipation rejection; however, this mere disclosure – without more – is insufficient to support such a rejection under Section 102.

For example, Bandiera discloses that a master node may measure the signal strength of an Attach Request message sent from a slave node in response to an NNP (New Node Poll) message. Based on the signal to noise ratio (SNR) of the respective link, the master node will select optimum parameters for future inbound transmissions for this master-slave link. *See* para [0060]. This measurement is performed by a demodulator in the master node (transceiver). *See* para [0078].

Thus, rather than determining whether a signal has been received through a repeater or directly from a mobile appliance as a function of measured attributes of the signal, Bandiera's master node measures the signal strength of a known signal in response to a previous poll to set parameters for traffic links with the master node's respective the slave nodes. This disclosure is far from the claimed determination of whether signals are served by a repeater as a function of measured attributes of the signal (Claims 1 and 6) or the

determination of the proximity of a mobile appliance to a repeater as a function of measured attributes and whether reverse channel signals are served by repeater based at least in part by the proximity of the mobile appliance to the repeater (Claim 15).

The Office has not met the burden of anticipation required by 35 U.S.C. §102 in applying the Bandiera reference to the claimed subject matter of independent Claims 1, 6 and 15. Therefore, reconsideration and withdrawal of the rejection of Claims 1, 6 and 15 are respectfully requested. Likewise the rejection of dependent Claims 2-5, 7-14 and 16-20 are also improper without regard to the additional patentable features recited therein. Reconsideration and withdrawal of the rejection of these dependent claims are also respectfully requested.

**CONCLUSION**

Applicant believes that the present application is in condition for allowance and, as such, it is earnestly requested that Claims 1-20 be allowed to issue in a U.S. Patent.

If the Examiner believes that an in-person or telephonic interview with the Applicant's representatives will expedite the prosecution of the subject patent application, the Examiner is invited to contact the undersigned agents of record.

The Office is requested and hereby authorized to charge the appropriate extension-of-time fees against **Deposit Account No. 04-1679** to Duane Morris LLP.

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